

Assembly Concurrent Resolution No. 186

RESOLUTION CHAPTER 177

Assembly Concurrent Resolution No. 186—Relative to state personnel administration.

[Filed with Secretary of State September 16, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 186, Alquist. State personnel administration: Year 2000 Problem.

This measure would memorialize the state chief information officer and the Department of Information Technology to address issues relating to the administration by state departments and agencies of vacation credits of state employees who are working on Year 2000 projects.

WHEREAS, The Year 2000 Problem poses a substantial risk to the welfare of the citizens, businesses, and state government of California; and

WHEREAS, Massive efforts are underway in state and local government and the private sector to prepare all "mission critical" computer systems to recognize the year 2000, thereby protecting against computer failures that could jeopardize our public safety, economic health, ready access to electricity and water, medical care, and numerous other essential goods and services; and

WHEREAS, By issuing Executive Order W-163-97 in October 1997, the Governor directed all state departments and agencies to find and fix the Year 2000 Problem for every mission critical computer system by December 31, 1998; and

WHEREAS, The Department of Information Technology (DOIT), in implementing the Governor's executive order, has been monitoring the progress of state departments and agencies and reporting their progress to the Governor and the Assembly Committee on Information Technology, the Senate Select Committee on Economic Development, and the Senate Select Committee on Procurement, Expenditure and Information Technology; and

WHEREAS, The California 2000 Quarterly Report, released by the DOIT in April 1998, indicated that the most intense period for Year 2000 project completions will be December 1998, the month of the Governor's deadline. In fact, more Year 2000 projects are scheduled to be completed in December of 1998 (251 projects) than were completed in all of 1997 (177 projects); and

WHEREAS, The DOIT acknowledges that among the many inherent risks in Year 2000 project schedules submitted by state departments and agencies is the risk that “state workers who have not been able to take vacation earlier in the year because of workload traditionally are required to schedule time off during these months to avoid losing the vacation they cannot carry over into the following year. Statewide changes to IT [information technology] systems and infrastructure have in the past been kept to a minimum during the last three weeks of the [calendar] year, in large part because of staff availability and schedules”; and

WHEREAS, The Milton Marks Commission on California State Government Organization and Economy, commonly referred to as the “Little Hoover Commission,” in an open letter to the Governor and Members of the Legislature on the Year 2000 Problem, dated May 29, 1998, recommended that the state review its personnel rules and advised the Department of Personnel Administration (DPA) to interpret its rules in a manner that would allow personnel working on Year 2000 projects to delay vacations and continue to work until their Year 2000 project is completed; and

WHEREAS, The Legislature, pursuant to Sections 19815.4 and 19856 of the Government Code, has authorized the Director of the DPA to adopt rules and regulations governing personnel administration, in general, and governing vacation accumulation specifically; and

WHEREAS, As directed by the Legislature, the DPA has adopted regulations regarding personnel administration and vacation accumulation, specifically in Section 599.737 of Title 2 of the California Code of Regulations, relating to personnel administration; and

WHEREAS, The Little Hoover Commission identified that the root concern regarding the use of accumulated vacation credits by state employees working on Year 2000 projects is the application of Section 599.737 of Title 2 of the California Code of Regulations, which reads, in part, as follows: “... of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion, provided that on January 1st of a calendar year, the employee shall not have more than 30 vacation days for 10 or less years of service or 40 vacation days for more than 10 years of service.” The purpose of this regulation is to prevent state employees from accruing blocks of vacation time that may result in large, unbudgeted expenses when an employee decides to take a vacation, retire, or change jobs; and

WHEREAS, The DPA, in the adoption of Section 599.737 of Title 2 of the California Code of Regulations, also included specific exceptions from the accumulation limit of vacation credits to “permit an employee to carry over more vacation credits than the prescribed maximum when the employee is prevented from taking vacation because the employee is ... assigned work of priority or critical nature



over an extended period of time The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances”; and

WHEREAS, Hundreds of dedicated state workers are working to make the state’s computer systems Year 2000 compliant and should not be diverted from that important task by a minor misinterpretation of existing regulations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California respectfully memorializes the state chief information officer and the Department of Information Technology to take every action necessary to ensure that satisfactory care is taken by state departments and agencies in applying Section 599.737 of Title 2 of the California Code of Regulations, relating to administering the vacation credits of state employees who are working on projects to implement Executive Order W-163-97; and be it further

Resolved, That the Legislature considers projects relative to the Year 2000 Problem and the pursuit of Year 2000 compliance in all mission critical computer systems, as prescribed in Executive Order W-163-97, by December 31, 1998, without prejudice, to be assigned work of priority or critical nature over an extended period of time and that this consideration shall be in effect until June 30, 2001, or the expiration of Executive Order W-163-97, whichever is later; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the state chief information officer for appropriate distribution to state departments and agencies, and their directors or personnel officers in order to make them fully aware of both the exceptions included in Section 599.737 of Title 2 of the California Code of Regulations, relating to the administration of vacation accumulation of state personnel assigned work of priority or critical nature over an extended period of time, and the Legislature’s consideration of the Year 2000 Problem and the pursuit of Year 2000 compliance.